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Report of the Committee on Agency Rule Making

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REPORT OF THE COMMITTEE ON AGENCY RULE MAKING

The Committee on Agency Rule Making is new this year. The time its chairman could devote to the Committee's work has been too limited to permit carrying that work beyond the stage of preliminary planning. The Committee's recommendation is, therefore, that the Committee be continued, and that the 1958-59 Committee give consideration to the suggestions that follow, which result from the Committee's thought thus far.

Correspondence among the chairman and vice-chairmen of the Committee has developed agreement that the Committee's functions should be twofold: (1) to suggest improvements in agency rule-making processes within the framework of existing statutes, and (2) to propose such legislation as may be desirable for the improvement of these processes. In connection with its second function the Committee should consider, in the light of its further studies, whether section 1003 of the proposed Code of Federal Administrative Procedure can be improved as an over-all reform measure.

The principal body of contemporary data relating to the processes of Federal administrative agencies is in the responses of the agencies to the 1956 questionnaire of the House Committee on Government operations. Part I of the questionnaire dealt with rule-making. The Committee should, we believe, proceed by examining the responses to this Part with relation to such items as may be thought by the Committee to involve procedural problems of especial significance at this time. To the extent that information concerning these problems appears to be lacking, the Committee might proceed to make first-hand inquiries of its own.

In the judgment of the Committee, questions 6, 8, and 9 of Part I of the questionnaire addressed to the agencies bear most closely on the problems that should receive Committee attention as soon as feasible. Involving, as they do, the extent and manner of submissions by outside interests to the agencies in connection with rule-making in situations where the requirements of the Administrative Procedure Act are minimal or are lacking entirely, these questions have elicited information which may point in the direction of future progress.

RALPH F. FUCHS, *Chairman*